

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DAN BARBA,
Plaintiff,

-against-

JOY TRAVEL (NY) Inc.,

Defendant.

MEMORANDUM AND ORDER
19-CV-6958 (RPK) (CLP)

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RACHEL P. KOVNER, United States District Judge:

Dan Barba brought this copyright infringement action against Joy Travel (NY) Inc., under Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106, 501. *See* Compl. (Dkt. #1). Defendant was served but never appeared. *See* Executed Summons (Dkt. #7); Request for Certificate of Default (Dkt. #9); Certificate of Default (Dkt. #10). Plaintiff moved for default judgment. *See* Mot. for Default J. (Dkt. #12). Plaintiff's motion was referred to Chief Magistrate Judge Cheryl L. Pollak for a report and recommendation. *See* Order Referring Mot. (11/05/2020).

Judge Pollak recommends that the motion for default judgment be granted, and that plaintiff be awarded \$1,355.00 in actual damages and \$440.00 in fees and costs. *See* Report and Recommendation ("R. & R.") at 8, 11 (Dkt. #19). A district court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). No party has objected to the R. & R. within the time required by Section 636(b)(1).

When no party has objected to a magistrate judge's recommendation, the recommendation is reviewed, at most, for "clear error." *See* Fed. R. Civ. P. 72(b), Advisory Committee's Notes (1983) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *see, e.g.*, *Alvarez Sosa v.*

Barr, 369 F. Supp. 3d 492, 497 (E.D.N.Y. 2019). Clear error will only be found only when, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006). I have reviewed Judge Pollak’s report and recommendation and, having found no clear error, adopt it in full. Plaintiff’s motion for default judgment is granted. Damages, fees, and costs are awarded as calculated in the report and recommendation. Plaintiff is directed to serve a copy of this order on defendant. The Clerk of Court is directed to enter judgment accordingly and to close this case.

SO ORDERED.

/s/ Rachel Kovner
RACHEL P. KOVNER
United States District Judge

Dated: August 24, 2021
Brooklyn, New York